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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) PHB 34169A | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>2/14/06</u> Signature <u>Angelica B. Kramer</u> Typed or printed name <u>ANGELICA BODENKRAFT</u> | | Application Number 09/118,572 | Filed July 17, 1998 |
| | | First Named Inventor Karl J. Wood | |
| | | Art Unit 2672 | Examiner Ryan R. Yang |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. | | | |
| I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>41,541</u> | | Signature <u>Terry Kramer</u> Typed or printed name Terry Kramer Telephone number 703-519-9801 Date <u>February 14, 2006</u> | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. | | | |
| <input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted. | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|---|-----------------------|
| In re Application of | : | Karl J. Wood et al. |
| | : | |
| For | : | GRAPHIC IMAGE TEXTURE |
| | : | GENERATION |
| | : | |
| Serial No.: | : | 09/118,572 |
| | : | |
| Filed | : | July 17, 1998 |
| | : | |
| Art Unit | : | 2672 |
| | : | |
| Examiner | : | Ryan R. Yang |
| | : | |
| Att. Docket | : | PHB 34169A |
| | : | |
| Confirmation No. | : | 9151 |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Sir:

REMARKS

This is in response to the Final Office Action dated December 15, 2005.

MAIN REJECTION UNDER 35 U.S.C. § 102

Claim 1 is the only independent claim. For purposes of this pre-appeal brief request, claim 1 is representative.

Claims 1-5, 7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rhoades et al. ("Real-Time Procedural Textures", June 1992, Proceedings of the 1992 Symposium in Interactive 3D Graphics, pages 95-100), hereinafter "Rhoades".

Claims 6, 8, 10 and 11 were found allowable if rewritten in independent form.

- 1 -

Application No: 09/118,572
Attorney's Docket No: PHB 34169A
Pre-Appeal Brief Request for Review

The present invention relates to graphic image texture generation. Claim 1 is directed to an apparatus for texture mapping in a computer graphics system, using a predetermined set of standardized textures, the apparatus having an input to receive via a network identifying data identifying one of the set of standardized textures. The identifying data comprises one or a sequence of program commands. The execution of these program commands results in the generation of a respective procedural texture of the standardized set.

Applicant respectfully submits that in the rejection of Claim 1 under 102(b) over Rhoades the Examiner failed to establish a *Prima Facie* case of anticipation.

Requirements for a *Prima Facie* case of anticipation under 35 U.S.C. § 102:

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant submits that Rhoades does not teach each and every element as set forth in Claim 1, either expressly or inherently.

In particular, Rhoades fails to teach "using a predetermined set of standardized textures" as set forth in Claim 1. Rhoades describes a software system running on a graphics engine that displays user-defined procedural textures for use in real-time graphics applications. Rhoades also describes a texture editor that allows a user to interactively create and edit procedural textures (page 95, Abstract). Furthermore, Rhoades teaches away from the notion of a "predetermined set" by describing an

Application No: 09/118,572
Attorney's Docket No: PHB 34169A
Pre-Appeal Brief Request for Review

interactive texture editor (page 98, col. 1), which allows a user to create new textures, and dynamically displays a texture as the user changes its parameters.

Rhoades also fails to teach the apparatus having an input "to receive via a network identifying data" as set forth in Claim 1. As shown on page 96, col. 1 and Fig. 1, Rhoades describes a machine comprising multiple Graphics Processors, renderers, frame buffers and a workstation host, which communicate over a shared ring network. Each renderer is an array of bit-serial pixel processors operating in "Single Instruction Multiple Data" (SIMD) mode. The Graphics Processors interpret and execute instruction sets called "T-codes", and produce an Image Generation Controller (IGC) command instruction stream, which is routed to the appropriate renderers for SIMD execution (page 96, col. 2, lines 12-23). The only network described by Rhoades is the ring network formed by the different elements of the machine.

Applicant respectfully submits that the Examiner wrongly construed the "IGC command instruction stream" described by Rhoades as the "sequence of program commands" set forth in Claim 1. It is clearly stated by Rhoades that the IGC command instruction stream is routed to the renderers for SIMD execution, not to a processor operable to implement input program commands to generate procedural textures. If one were to establish a parallel between Rhoades and the present invention, the processor set forth in claim 1 would be represented either by Rhoades' "Graphics Processors", or by the whole machine described by Rhoades, not by the renderers. It is therefore submitted that Rhoades does not teach receiving the identifying data, i.e. the T-codes, via a network, contrary to the Examiner's assertion. The T-codes taught by Rhoades are actually directly written and/or modified by the programmer: "Adding a new T-code to our system is a straightforward task. Besides coding and testing of the T-code subroutine in C, the programmer needs only to update the T-code assembler parse table and the T-code subroutine dispatch table." (page 96, col. 2, lines 36-40).

Accordingly, Applicant submits that Claim 1 is patentable over Rhoades because Rhoades does not teach each and every element as set forth in Claim 1. Additionally,

Application No: 09/118,572
Attorney's Docket No: PHB 34169A
Pre-Appeal Brief Request for Review


Claims 2-11 ultimately depend from Claim 1 and are therefore also patentable over the cited art references.

Conclusion

While we believe that the instant pre-appeal brief places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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